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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,526	12/13/2004	Jean Saunier	0509-1082	7122
466	7590	09/06/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER SELLS, JAMES D	
			ART UNIT 1734	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,526	Applicant(s) SAUNIERE, JEAN	
	Examiner James Sells	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-62 and 83-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-62 and 83-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42-62 and 83-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemm et al (US Patent 4,191,743) in view of Desmarais et al (US Patent 6,209,430).

Regarding claim 42, Klemm discloses a method for making a wound dressing including at least one piece of sheet-form melamine foam c or d having a thickness of 0.5-10 mm (foam c) or 0.3-2 mm (foam d) which is sufficiently small to exhibit flexibility and no flexural elasticity (see pending specification at p.6, line 21 to p.7, line 10; Klemm et col. 3, line 60 to col. 5, line 39).

However, Klemm does not disclose tangential cutting as claimed by the applicant. Regarding this difference, the applicant is directed to the reference of Desmarais et al.

Desmarais discloses a method for continuously producing a web from a block of material. As shown in Figs. 1-3, blade mechanism 7 is positioned adjacent to foam block 1. This blade tangentially cuts the block 1 into a continuous web or strip 11 in the manner claimed by the applicant. It would have been obvious to one having ordinary skill in the art to employ the tangential cutting technique disclosed by Desmarais to

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produce the sheet-form melamine foam materials of Klemm in order to achieve predictable results.

Further, it is the examiner's position that the steps of deriving at least one piece of sheet-form melamine foam from the strip and forming an article from the at least one piece of sheet-form melamine foam, the article having a total thickness, are inherent steps in the above combination of Klemm in view of Desmarais.

Regarding claims 43, 46-47, and 51, the article has two opposing main free faces with one of the main free faces being of melamine (i.e., layer c or d) (scouring free face). There is provided reinforcing layer a, or a with another melamine layer (claim 47), or another melamine layer or layers (claim 47) as another face, or layer b. Claim 48, reinforcing layer a is made of a material different from melamine foam. Layer a is rubber which has a tear strength higher than that of melamine foam. Claim 50 and also claim 51, the article has at least one reinforcing layer d or c made for an absorbent material of melamine. Claim 52, Figure 5 demonstrates opposing main free faces which are melamine foam (scouring free faces) layers d and d having reinforcing layer c therebetween.

Regarding Claims 56-57, Klemm teaches layer b is a mesh of treads which are a synthetic resin or other material but does not teach layer b of a mesh of the materials claimed. Layer b of Klemm holds the antibiotic layer and the materials claimed are conventional in the wound dressing art are materials for such a layer, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made

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to have provided in Klemm using these materials in stead because it is obvious to replace one mesh material with another art recognized alternative mesh material.

Regarding claims 44-45, in Klemm in view of Desmarais foam c from the strip is 0.5-10 mm and foam d from the strip of 0.3-2 mm which overlap the claimed range of less than or equal to 1 mm and which teach approximately 0.8 mm.

Regarding claim 49, the article includes at least one main free face which is an absorbent free face formed in part by at least one piece of absorbent material in that free layers c and d are melamine.

Regarding claims 53-54, the article has a total thickness of less than 5 mm (see thickness values in column 4 for layers a, b, c, and d). Claim 57, Klemm teaches that at least a portion of the thickness of the article is impregnated with a softened fluid composition before being packaged (c 4, L 39-46) in that a layer b of mesh is impregnated with a softened material during formation of the article, i.e., pre packaging (c 6, L 21-29).

Regarding claims 58-59, the composition is a bactericidal disinfectant antiseptic (c 1, L 55, to c 4, L 8).

Regarding claim 60, a solid composition capable of dissolving in the presence of a liquid so as to be able to release an active agent is incorporated into at least a portion of the thickness of the article (c 3, L 31-41).

Regarding claim 61, the article is wrapped (c 4, L 39-46).

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Regarding claim 62, layers a, b, c, and/or d are laminated by means of an intermediate heat-activable adhesive film in outer surface of layers a, c, and d are melted to bond thus acting a heat-activable adhesive film.

Regarding claims 83, 86 and 88, Desmarais shows strip 11 being peeled from block 1.

Regarding claims 84, Desmarais shows rotating the foam block 1 during the cutting step.

Regarding claims 85 and 87, Desmarais discloses winding strip 11 on a roll (see col. 4, lines 66-67).

Regarding claim 89, Desmarais discloses rotating foam block 1 while tangentially cutting, withdrawing strip 11 as it is peeled and winding strip 11 on a roll (see col. 4, lines 66-67). It is the examiner's position that synchronizing the rolls is well known and conventional in the art and would have been obvious to employ in Desmarais in order to more easily collect the strip material 11.

Response to Arguments

3. Applicant's arguments filed May 10, 2007 have been fully considered but they are not persuasive.

Applicant argues KLEMM merely suggests melamine foam as one among other materials to form layer (c). However, KLEMM does not disclose layer (c) effectively made of melamine foam. The examiner does not agree. KLEMM only discloses several foamed materials including melamine. See col. 4, lines 18 of KLEMM. It is the

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examiner's position that such a disclosure is sufficient to meet the limitations of applicant's claims. Thus applicant's argument is believed to be incorrect in this instance.

Applicant's arguments with respect to claims 42-62 and 83-89 have been considered but are moot in view of the new ground(s) of rejection.

Telephone/Fax

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is 571-272-1237. The examiner can normally be reached on M-F 9:00-5:30.

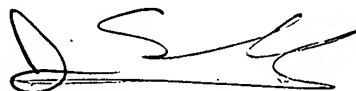
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

A handwritten signature in black ink, appearing to read 'J. Sells', with a horizontal line drawn underneath it.

**JAMES SELLS
PRIMARY EXAMINER
TECH. CENTER 1700**